

REMARKS

35 USC § 101 Rejection

Claim 14 has been rejected under 35 USC § 101 as being directed to non-statutory subject matter for failure to recite structural limitations within technological arts. Applicants have amended the claim to recite “a computerized system”. Support for this amendment can be found at least at paragraph [0037] of the specification. No new matter has been added. Accordingly, since the amended claim recite structural limitations within technological arts, it is respectfully submitted that the rejection under 35 USC § 101 should be withdrawn.

Claims 1-8 and 10-16

Claims 1-8 and 10-16 have been rejected under 35 USC 102(e) over United States Patent 6,694,316 to Langseth, et al. ("Langseth"). The Examiner contends that “the affiliate’s system may selectively choose the subject matter of content to be delivered to their subscribers and that selection may be based on the business of the affiliates.”

Independent claims 1, 13, 15 and 16 as amended each claim a rule-based engine executing offer data processing rules, the data processing rules including an internal set of pre-defined rules governing overall operation of the rule-based engine, and the offer data processing rules being selected from the group consisting of prioritization rules, selection rules, and time-based rules.

Langseth teaches managing the delivery of content and offers to users based on subscription services, but makes no mention of a rule-based engine using an internal set of pre-defined rules governing the distribution of offers. Instead, Langseth describes the manual creation of personalization options by subscribers or affiliates:

“A person may define what information he would like delivered, when he would like to have it delivered, where to deliver the information and how often to deliver the information.” (Col. 7, lines 21-23);

“Additionally, as part of the subscription, for each service to which a subscriber subscribes, the subscriber may select personalization requests to be applied to the service.” (Col. 8 lines 35-38);

“the PIN system enables affiliates to include affiliate-specific information in the outputs generated from the system and/or limit the information available to subscribers from that affiliate.” (Col. 27 lines 6-10).

Essentially, the system described by Langseth allows users to control the content they see and the parameters governing its delivery. In contrast, Applicant’s claimed invention uses pre-defined, internal rules to control the delivery of offers, thus allowing the offeror to effect control over the offer content delivered to the offeree, through which channel it is offered, and when it is sent. Maintaining control over the offer process allows users of the claimed system to ensure that the right offers are sent to the right customers at the right time based on internal marketing rules not at the whim of the customer himself, as with the system described by Langseth.

Accordingly, since the art relied upon does not teach or suggest each and every limitation of independent claims 1, 13, 15 and 16, it is respectfully submitted that the rejections over Langseth should be withdrawn and these claims, as well as those claims that depend directly or indirectly therefrom, be allowed.

Claim 9

Claim 9 has been rejected under 35 USC 103(a) over United States Patent 6,694,316 to Langseth, et al. ("Langseth"). The Examiner argues that Langseth teaches tracking of activities of the individuals to whom the offers were presented. Even if this were so – and Applicants believe it is not – claim 9 depends from claim 1, and thus includes the rule-based engine and related processing steps not found in Langseth. Accordingly, since the art relied upon does not teach or suggest each and every limitation of claim 9, it is respectfully submitted that the rejection based on Langseth should be withdrawn and this claim allowed.

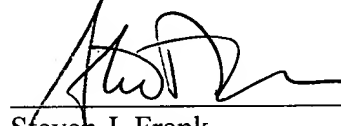
CONCLUSION

In view of the foregoing, Applicants believe that the case is in condition for immediate allowance. Early favorable action is respectfully solicited. The Examiner is invited to contact the undersigned discuss any outstanding issues.

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Respectfully submitted,



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